

REMARKS

Claims 1, 2, 6, and 7 have been amended. Claims 6 and 7 have been amended to correct the informality to which the Office Action objected. Claims 1, 2, and 7 have been amended to correct the informalities cited in the Office Action. No new matter has been added to any of those claims.

Claims 1, 2 and 4-6 were rejected as allegedly being obvious over Sumnitsch in view of either US 2003/0140949 or JP 2002-305177 (it is noted that both US 2003/0140949 and JP 2002-305177 are to the same invention which shall be referred to as Sugimoto). That rejection is respectfully traversed.

Claim 1 recites at least one exhaust influencing means (71), which is associated with at least one of said at least two exhaust levels, for selectively varying gas flow conditions in at least one of said at least two exhaust levels (E1, E2). The Office Action concedes that Sumnitsch does not teach such an exhaust influencing means, and the Office Action relies on Sugimoto to supply the feature.

Sugimoto teaches a device with wafer treating units (24) in which there are not multiple exhaust levels. The exhaust regulating valve (60), which the Office Action cites as an exhaust influencing means, varies gas flow conditions in the entire wafer treating unit (24). Thus, if Sumnitsch were modified to include the exhaust regulating valve (60) of

Sugimoto, the resulting device would comprise an exhaust influencing means which would be associated with all of the liquid levels together. That exhaust influencing means, therefore, would not selectively vary gas flow conditions; that is to say that the gas flow conditions in the different exhaust levels would not be individually controlled.

Furthermore, Sumnitsch also has only one exhaust level. The unlabeled levels at apertures 34 and 35 in figure 3, which the Office Action cites as multiple exhaust levels are actually liquid collecting levels. Apertures 33, 34, and 35, through which exhaust travels, all lead to a common pump by way of a common annular space 31 and a common connecting member 32. That is to say that although there are three apertures through which exhaust passes, there is only one exhaust level.

Because both Sumnitsch and Sugimoto include only one exhaust level, any combination of the two would not result in the present invention. Neither reference suggests any motivation for a regulating valve to be included at only one exhaust level or for multiple regulating valves to be included in the combination of Sumnitsch and Sugimoto, nor does the Office Action provide any such motivation. Therefore, if Sumnitsch were modified to include the exhaust regulating valve (60) of Sugimoto, the resulting device would not be the device claimed in the present claim 1.

Claims 1 and 3 were rejected as allegedly being obvious over DE 198 07 460 in view of Sumnitsch in further view of Nishizawa. That rejection is respectfully traversed.

The Office Action relies on Nishizawa to provide the exhaust influencing means of claim 1. Nishizawa does not in fact add anything more than Sugimoto; Nishizawa teaches an exhaust influencing means for controlling an entire treatment chamber as a whole. Thus if DE 198 07 460/ Sumnitsch were modified to include the valve (35) of Nishizawa, the resulting exhaust influencing means would not selectively vary gas flow conditions. Furthermore, there is no apparent motivation for the references to have been combined in the proposed manner, nor does the Office Action provide any such motivation.

Claims 7 and 8 were rejected as allegedly being obvious over DE 198 07 460 in view of Sumnitsch in further view of Sugimoto. That rejection is respectfully traversed.

The rejection relies on Sugimoto's teaching a step of selectively generating different gas flow conditions in at least two exhaust levels. Sugimoto does not teach that step, because, as discussed above, in Sugimoto there is only one exhaust level. Thus the proposed combination would not result in the claimed method.

Applicants believe that in light of the present amendment and the foregoing remarks, all claims are in condition for allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- a terminal disclaimer
- a 37 CFR 1.132 Declaration
- a new or amended Abstract of the Disclosure
- a Replacement Sheet for Figure _____ of the drawings
- a Substitute Specification and a marked-up copy of the originally-filed specification
- a verified English translation of foreign priority document